

432-1376

12/23/2013

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460



OFFICE OF
CHEMICAL SAFETY AND
POLLUTION PREVENTION

December 23, 2013

Dr. Norma C. Pangilinan
Bayer Environmental Science
2 T.W. Alexander Drive
Research Triangle Park, NC 27709

Subject: Label notification to add restrictions for the state of Oregon, per PRN 98-10

Dear Dr. Pangilinan:

The Agency is in receipt of your Application for Pesticide Notification under Pesticide Registration Notice (PRN) 98-10, dated December 10, 2013 for "Merit 2.5 G Ornamental Insecticide" EPA Registration No. 432-1376.

The Registration Division (RD) has conducted a review of the request for applicability under PRN 98-10 and finds that the changes requested fall within the scope of PRN 98-10. The label submitted with the application has been stamped "Notification" and will be placed in our records.

If you have any questions, please contact me directly at 703-308-8735 or email me at chao.julie@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie A. Chao".

Julie A. Chao
Insecticide-Rodenticide Branch
Registration Division (7505P)
Office of Pesticide Programs



United States
Environmental Protection Agency
Washington, DC 20460

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Registration
Amendment
Other

OPP Identifier Number

Application for Pesticide - Section I

1. Company/Product Number 432-1376	2. EPA Product Manager Venus Eagle	3. Proposed Classification <input type="checkbox"/> None <input type="checkbox"/> Restricted
4. Company/Product (Name) Merit 2.5 G Ornamental Insecticide	PM# 1	
5. Name and Address of Applicant (Include ZIP Code) Bayer Environmental Science 2 T. W. Alexander Drive Research Triangle Park, NC 27709 <input type="checkbox"/> Check if this is a new address	6. Expedited Review. In accordance with FIFRA Section 3(c)(3) (b)(i), my product is similar or identical in composition and labeling to: EPA Reg. No. _____ Product Name _____	

Section - II

<input type="checkbox"/> Amendment - Explain below.	<input type="checkbox"/> Final printed labels in response to Agency letter dated _____	NOTIFICATION DEC 23 2013
<input type="checkbox"/> Resubmission in response to Agency letter dated _____	<input type="checkbox"/> "Me Too" Application.	
<input checked="" type="checkbox"/> Notification - Explain below.	<input type="checkbox"/> Other - Explain below.	

Explanation: Use additional page(s) if necessary. (For section I and Section II.)

To revise label to add the pollinator protection statement restricting use on linden trees that is being required by the Oregon Department of Agriculture

Section - III

1. Material This Product Will Be Packaged In:				2. Type of Container	
Child-Resistant Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Unit Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	Water Soluble Packaging <input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Metal <input type="checkbox"/> Plastic <input type="checkbox"/> Glass <input type="checkbox"/> Paper <input type="checkbox"/> Other (Specify) _____		
* Certification must be submitted		If "Yes" Unit Packaging wgt.	No. per container	If "Yes" Package wgt.	No. per container
3. Location of Net Contents Information <input type="checkbox"/> Label <input type="checkbox"/> Container		4. Size(s) Retail Container		5. Location of Label Directions <input type="checkbox"/>	
6. Manner in Which Label is Affixed to Product <input type="checkbox"/> Lithograph <input type="checkbox"/> Paper glued <input type="checkbox"/> Stenciled		<input type="checkbox"/> Other _____			

Section - IV

1. Contact Point (Complete items directly below for identification of individual to be contacted, if necessary, to process this application.)				
Name Norma C. Pangilinan, Ph.D.		Title Registrations Manager		
		Telephone No. (Include Area Code) 920-549-2428		
Certification I certify that the statements I have made on this form and all attachments thereto are true, accurate and complete. I acknowledge that any knowingly false or misleading statement may be punishable by fine or imprisonment or both under applicable law.			6. Date Application Received (Stamped)	
2. Signature 		3. Title Registrations Manager		
4. Typed Name Norma C. Pangilinan, Ph.D.		5. Date December 10, 2013		

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Bayer CropScience

Document Processing Desk (NOTIF)
EPA - Office of Pesticide Programs (7504P)
One Potomac Yard, Room S-4900
2777 S. Crystal Drive
Arlington, VA 22202

NOTIFICATION

DEC 23 2013

Attn: Venus Eagle,
Product Manager Team 1
Registration Division, Insecticide-Rodenticide

Subject: Label Notification with Oregon Dept of Agriculture Requirement
- Merit 2.5 G Ornamental Insecticide (EPA Reg. No. 432-1376)

December 10, 2013

Dear Ms. Eagle

Bayer CropScience
P. O. Box 12014
2 TW Alexander Drive
Research Triangle Park
NC 27709
Tel: 919 549-2000

The enclosed Notification is being submitted to add the pollinator protection statement restricting use on linden trees that is being required by the Oregon Department of Agriculture.

This notification is consistent with the provisions of PR Notice 98-10 and EPA regulations at 40 CFR 152.46, and no other changes have been made to the labeling or the confidential statement of formula of this product. I understand that it is a violation of 18 U.S.C. Sec. 1001 to willfully make any false statement to EPA. I further understand that if this notification is not consistent with the terms of PR Notice 98-10 and 40 CFR 152.46, this product may be in violation of FIFRA and I may be subject to enforcement action and penalties under Sections 12 and 14 of FIFRA.

The following documents are enclosed in support of this application:

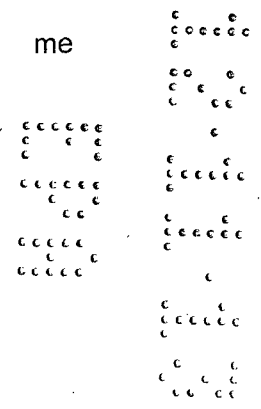
1. Completed EPA Form 8570-1
2. ~~one~~ ^{one} copies of the revised product label plus one highlighted copy tracking revision to label.

Please do not hesitate to call (919-549-2428) or e-mail me (norma.pangilinan@bayer.com), if you have any questions.

Sincerely,

BAYER ENVIRONMENTAL SCIENCE
A DIVISION OF BAYER CROPSCIENCE

NORMA C. PANGILINAN, Ph.D,
Registrations Manager



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Merit[®] 2.5 G Ornamental Insecticide

For systemic insect control in ornamental plants.

ACTIVE INGREDIENT:

Imidacloprid, 1-[(6-Chloro-3-pyridinyl)methyl]-N-nitro-2-imidazolidinimine..... 2.5%

OTHER INGREDIENTS:..... 97.5%

TOTAL:..... 100.0%

EPA Reg. No. 432-1376

EPA Est. No. ____

STOP – READ THE LABEL BEFORE USE

KEEP OUT OF REACH OF CHILDREN

CAUTION

PRECAUCION AL USUARIO: Si usted no puede leer o entender inglés, no use este producto hasta que la etiqueta le haya sido explicada ampliamente.

(TO THE USER: If you cannot read or understand English, do not use this product until the label has been fully explained to you.)

For MEDICAL And TRANSPORTATION Emergencies ONLY Call 24 Hours A Day 1-800-334-7577

For PRODUCT USE Information Call 1-800-334-9745

FIRST AID

If in eyes:	<ul style="list-style-type: none">• Hold eye open and rinse slowly and gently with water for 15 - 20 minutes. Remove contact lenses, if present, after the first 5 minutes, then continue rinsing eye.• Call a poison control center or doctor for treatment advice.
If swallowed:	<ul style="list-style-type: none">• Call a poison control center or doctor immediately for treatment advice.• Have person sip a glass of water if able to swallow.• Do not induce vomiting unless told to do so by a poison control center or doctor.• Do not give anything by mouth to an unconscious person.
If on skin or clothing:	<ul style="list-style-type: none">• Take off contaminated clothing.• Rinse skin immediately with plenty of water for 15 - 20 minutes.• Call a poison control center or doctor for treatment advice.
In case of emergency call toll free the Bayer Environmental Science Emergency Response Telephone No. 1-800-334-7577. Have a product container or label with you when calling a poison control center or doctor, or going for treatment.	
NOTE TO PHYSICIAN: No specific antidote is available. Treat the patient symptomatically.	

PRECAUTIONARY STATEMENTS

HAZARDS TO HUMANS AND DOMESTIC ANIMALS

CAUTION

Harmful if swallowed or absorbed through skin. Causes eye irritation. Avoid contact with skin, eyes, or clothing.

ENVIRONMENTAL HAZARDS

This product is highly toxic to aquatic invertebrates. Do not apply directly to water, or to areas where surface water is present or to intertidal areas below the mean high water mark.

Do not contaminate water when disposing of equipment wash waters.



This chemical demonstrates the properties and characteristics associated with chemicals detected in groundwater. The use of this chemical in areas where soils are permeable, particularly where the water table is shallow, may result in groundwater contamination.

NOTIFICATION

DEC 23 2013

PRO FACTS

- Easy To Use Granules
- Stops and Prevents Insect Damage
- No phytotoxicity on a wide range of ornamentals
- Low Odor

MERIT 2.5 G ORNAMENTAL INSECTICIDE	<ul style="list-style-type: none"> • Granules containing 2.5% imidacloprid
CONTROLS	<ul style="list-style-type: none"> • Sucking insect pests. • Aids in ant management.
WHERE TO APPLY	<ul style="list-style-type: none"> • Shrubs and small trees (less than 8 ft. tall).
COVERAGE	<ul style="list-style-type: none"> • Treats up to 42 shrubs or trees.
MIXING INFORMATION	<ul style="list-style-type: none"> • Ready-To-Use granules – no mixing necessary.
HOW TO APPLY	<ul style="list-style-type: none"> • Spread directly beneath plant at base. • Use easy measuring cup to apply as directed.
RE-APPLY	<ul style="list-style-type: none"> • At 4 – 8 week intervals.
QUESTIONS  	For questions or comments, call toll-free 1-800-331-2867 www.bayerprocentral.com

DIRECTIONS FOR USE

It is a violation of Federal law to use this product in a manner inconsistent with its labeling.

ORNAMENTAL PESTS

MERIT® 2.5 G Ornamental Insecticide is for use on ornamental shrubs and small trees in outdoor landscapes and interior plantscapes. MERIT 2.5 G Ornamental Insecticide is a systemic product and will be taken up by the roots and translocated upward within the plant system. Therefore, watering after application makes the product more available for uptake.

Systemic activity using this soil application treatment method can be delayed until the active ingredient is translocated throughout the plant. For this reason, applications work best when made prior to pest infestation or before pest populations become severe.

PESTS CONTROLLED

Aldegids	Japanese beetle (adults)	Leaf beetles (including Elm leaf and Viburnum leaf beetles)	Psyllids
Aphids	Lace bugs		Whiteflies
Black vine weevil (larvae in soil)		Leafhoppers	
WHERE TO APPLY	• Shrubs and small trees in outdoor landscapes and interior plantscapes		
USE RATE	<ul style="list-style-type: none">• Select rate according to height of shrub or tree: Up to 4 ft use 1/4 to 1/2 cup 4 to 8 ft use 1/2 to 1 cup• Use high rate for initial treatment and lower rates for re-applications, if needed.• Not recommended for shrubs or trees greater than 8 feet tall. Instead use soil applications of other MERIT products approved for use on shrubs and trees.		
HOW TO APPLY	• Spread appropriate rate evenly around the base of plant under foliage.		
WHEN TO APPLY	<ul style="list-style-type: none">• When pests are seen or found.• Re-apply as needed based on pest re-infestation or at 4 – 8 week intervals.		
Continued in next column			

ORNAMENTAL PESTS (continued)	
FOR BEST RESULTS	<ul style="list-style-type: none"> • Apply early before pest populations become severe. • Irrigation or rainfall should occur shortly after application. • Pull back mulch and weed barrier before application. • Avoid application to frozen or water-logged areas, as this may decrease the product's effectiveness.
ANT MANAGEMENT	<ul style="list-style-type: none"> • Use Merit 2.5 G Ornamental Insecticide to control aphids and other sucking pests on ornamentals to limit the honeydew available as a food source for ant populations. Merit 2.5 G Ornamental Insecticide applications can then be supplemented with residual sprays, bait placements or other ant control tactics to further reduce pest populations.
RESTRICTIONS	<ul style="list-style-type: none"> • Do not apply near fish pools, ponds, streams or lakes. • Do not use in vegetable gardens. • Treated areas may be replanted with any crop for which a tolerance exists for the active ingredient. For other crops, a 12-month plant back interval should be observed. • Not for use in commercial greenhouses or nurseries, or on commercial fruit and nut trees. • Do not apply to soils which are water-logged, or saturated which will not allow the penetration of water into the root zone of the plants. • Do not apply this product, by any application method, to linden, basswood, or other Tilia species.
NOTE: 1 level cup is approximately 6 ounces Merit 2.5 G Ornamental Insecticide.	

STORAGE AND DISPOSAL	
Do not contaminate water, food, or feed by storage or disposal.	
STORAGE:	<ul style="list-style-type: none"> • Store in a cool, dry place and in such a manner as to prevent cross contamination with other pesticides, fertilizers, food, or feed. • Store in original containers and out of the reach of children, preferably in a locked storage area. • Handle and open container in a manner as to prevent spillage.
PESTICIDE DISPOSAL:	<ul style="list-style-type: none"> • Wastes resulting from the use of this product may be disposed of on site or at an approved waste disposal facility. • Improper disposal of excess pesticide is a violation of Federal law.
CONTAINER DISPOSAL:	<ul style="list-style-type: none"> • Do not use container in connection with food, feed, or drinking water. • Non-refillable container. Do not reuse or refill this container. Offer for recycling, if available. • Completely empty container into application equipment. Then dispose of empty container in a sanitary landfill, or by incineration, or if allowed by State and Local Authorities by burning. If burned, stay out of smoke.
SPIILLS:	<p>If the container is leaking or material is spilled for any reason or cause, carefully sweep material into a pile. Refer to Precautionary Statements on label for hazards associated with the handling of this material.</p> <ul style="list-style-type: none"> • Do not walk through spilled material. • Dispose of as directed for pesticides above, or apply uncontaminated product according to Directions For Use. • Keep unauthorized people away. • You may contact the Bayer Environmental Science Emergency Response Team for decontamination procedures or any other assistance at 1-800-334-7577 or contact Chemtrec at 1-800-424-9300.

IMPORTANT: READ BEFORE USE

Read the entire Directions for Use, Conditions, Disclaimer of Warranties and Limitations of Liability before using this product.

If terms are not acceptable, return the unopened product container at once. By using this product, user or buyer accepts the following Conditions, Disclaimer of Warranties and Limitations of Liability.

CONDITIONS: The directions for use of this product are believed to be adequate and must be followed carefully. However, it is impossible to eliminate all risks associated with the use of this product. Crop injury, ineffectiveness or other unintended consequences may result because of such factors as weather conditions, presence of other materials, or the manner of use or application, all of which are beyond the control of Bayer CropScience LP. All such risks shall be assumed by the user or buyer.

DISCLAIMER OF WARRANTIES: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP MAKES NO OTHER WARRANTIES, EXPRESS OR IMPLIED, OF MERCHANTABILITY OR OF FITNESS FOR A PARTICULAR PURPOSE OR OTHERWISE, THAT EXTEND BEYOND THE STATEMENTS MADE ON THIS LABEL. No agent of Bayer CropScience LP is authorized to make any warranties beyond those contained herein or to modify the warranties contained herein. TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, BAYER CROPSCIENCE LP DISCLAIMS ANY liability whatsoever for special, incidental or consequential damages, resulting from the use or handling of this product.

LIMITATIONS OF LIABILITY: TO THE EXTENT CONSISTENT WITH APPLICABLE LAW, THE EXCLUSIVE REMEDY OF THE USER OR BUYER FOR ANY AND ALL LOSSES, INJURIES OR DAMAGES RESULTING FROM THE USE OR HANDLING OF THIS PRODUCT, WHETHER IN CONTRACT, WARRANTY, TORT, NEGLIGENCE, STRICT LIABILITY OR OTHERWISE, SHALL NOT EXCEED THE PURCHASE PRICE PAID, OR AT BAYER CROPSCIENCE LP'S ELECTION, THE REPLACEMENT OF PRODUCT.

PRODUCED FOR



Bayer Environmental Science

A DIVISION OF BAYER CROPSCIENCE LP
2 T. W. ALEXANDER DRIVE
P.O. BOX 12014
RESEARCH TRIANGLE PARK, NC 27709

Merit® 2.5 G Ornamental Insecticide (PENDING) 12/05/2013

